

**REMARKS/ARGUMENTS**

In view of the following remarks, the applicants respectfully submit that the pending are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.

The applicants will now address each of the issues raised in the outstanding Office Action.

**Rejections under 35 U.S.C. § 103**

Claims 2-6, 8, 11-17, 20-24, 26 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,994,710 ("the Knee patent") in view of U.S. Patent No. 4,797,544 ("the Montgomery patent") and U.S. Patent No. 4,281,243 ("the Hudler patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

First, please note that claims 4, 11 and 20 have been canceled earlier.

Independent claims 6, 8 and 12 are not rendered obvious by the Knee, Montgomery and Hudler patents because these patents, either taken alone or in

combination, neither teach, nor make obvious, that light emitted from a first light source (which is used to capture a plurality of image parts) has a larger angle of incidence with a surface than the light emitted from a second light source (which is used to determine position information).

The Examiner apparently relies on the newly cited Hudler patent to teach this feature, stating that: "Hudler teaches that the image capturer (Fig. 1, item 4) has a larger angle of incidence with the surface (Fig. 1, item 1) than the position detector (Fig. 1, item 3)." (Paper No. 20090205, page 5) The Examiner then concludes:

It would have been obvious to one with ordinary skill in the art at the time the invention was made to have the position detector of Montgomery and the image capturer of Knee be arranged as Hudler, with the image capturer ... [having] a larger angle of incidence. The benefits of this arrangement is that ... [it] allows the image capturer to have an optimum image of the captured image (Hudler, column 3, lines 15-18)

(Paper No. 20090205, page 5) The applicants respectfully disagree with both the Examiner's characterization of the Hudler patent, as well as the Examiner's conclusion as to obviousness. Each of these issues is discussed below.

First, element 3 of Figure 1 of the Hudler patent is not a "position detector" as alleged. Rather, element 3 is clearly a "light source" which illuminates a stamp 2 on an envelope. At best, the light source 3, together with the scanning device 4 and associated circuitry

collectively, define a stamp detector. Therefore, this ground of rejection is improper for at least this first reason.

Second, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to have the position detector of Montgomery and the image capturer of Knee be arranged as Hudler, with the image capturer having larger angle of incidence than the position detector. As just noted, the element 3 of the Hudler patent is not a position detector, but rather a light source. Indeed, ***the system in the Hudler patent is used for a fundamentally different purpose than the devices in the Montgomery and Knee patents.*** More specifically, the Hudler patent is used "for detecting a perforated postage stamp on envelopes ...." (Abstract) That is, the Hudler patent is used for determining whether or not a postage stamp is present on an envelope. More specifically, the Hudler patent provides a device including:

a light source directed to *illuminate teeth of a perforated edge of the stamp* at a right angle to the given direction; *a scanning device disposed to receive light from the illuminated edge of the stamp and to produce a high frequency pulse train responsive to scanning the teeth of the illuminated edge of the stamp*; and an evaluating circuit coupled to the scanning device responsive to the pulse train *to provide an indication signal indicating the presence of the stamp.* [Emphasis added.]

(Column 1, line 63 through column 2, line 4 of the Hudler patent) Although the Examiner contends that the benefit of the arrangement in the Hudler patent is that it allows

the image capturer to have an optimum image of the captured image, citing column 3, lines 15-18, this is not accurate. In fact, the Hudler patent states:

Referring to FIG. 1, the overall arrangement comprises a belt conveyor 1, by which an envelope carrying a stamp 2 is moved at a constant speed  $v$  past a photoelectric scanning device 4. The envelope and stamp 2 are illuminated by a light source 3. *The illumination must be effected by means of a scanning spotlight beam, which is strongly laterally directed onto that perforated edge of stamp 2 which is at right angles to the direction of travel.* Scanning device 4 comprises a spherical lens system and a self-scanned integrated linear diode array. Particularly as regards the angle between its optical axis and the direction of travel, *scanning device 4 is so arranged that it produces an optimum image of the perforated edge of stamp 2 on the linear diode array.* [Emphasis added.]

(Column 3, lines 4-17 of the Hudler patent), and further states:

Referring to FIG. 2, *to ensure an optimum illumination of the perforated edge of stamp 2 which is to be scanned, the light rays  $L$  make an angle of about  $60^\circ$  with the direction of travel  $F$ .* FIG. 2 indicates also the limiting locations for postage stamp 2 and the length  $l$  in which a line must be scanned, provided that in case of a stamp affixed in a very low position an indicating signal is desired only when stamp 2 bears a stamp mark (cancellation stamp) 10. When it is assumed that ten teeth must be scanned for an indication of a stamp, the values which are obtained will depend on the location and size of the stamp mark and will be  $l=40$  mm, on an average. [Emphasis added.]

(Column 3, lines 27-39 of the Hudler patent)

As can be appreciated from the foregoing, the light source 3 is not a position detector. As can be further appreciated from the foregoing, the positions of the

light source 3 and the scanning device 4 **depend on a direction of travel of an envelope and function to illuminate a perforated edge of a stamp. These factors are clearly not relevant to the systems of the Knee and Montgomery patents.** Thus, one skilled in the art would not have modified the Knee and Montgomery patents in view of the Hudler patent as proposed by the Examiner

Thus, independent claims 6, 8 and 12 are not rendered obvious by the Knee, Montgomery and Hudler patents for at least the foregoing reasons. Since claims 2, 3 and 26 depend from claim 6, since claim 27 depends from claim 8 and since claims 13-17 and 21-24 depend from claim 12, these claims are similarly not rendered obvious.

### **Conclusion**

In view of the foregoing remarks, the applicants respectfully submit that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.

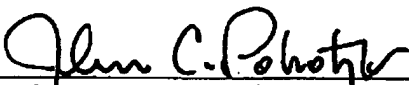
Any arguments made in this response pertain **only** to the specific aspects of the invention **claimed**. Any claim amendments or cancellations, and any arguments, are made **without prejudice to, or disclaimer of**, the applicants' right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

Since the applicants' remarks, amendments, and/or filings with respect to the Examiner's objections and/or

rejections are sufficient to overcome these objections and/or rejections, the applicants' silence as to assertions by the Examiner in the Office Action and/or to certain facts or conclusions that may be implied by objections and/or rejections in the Office Action (such as, for example, whether a reference constitutes prior art, whether references have been properly combined or modified, whether dependent claims are separately patentable, etc.) is not a concession by the applicants that such assertions and/or implications are accurate, and that all requirements for an objection and/or a rejection have been met. Thus, the applicants reserve the right to analyze and dispute any such assertions and implications in the future.

Respectfully submitted,

July 15, 2009

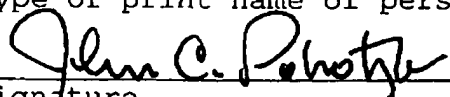
  
John C. Pokotylo, Attorney  
Reg. No. 36,242  
Tel.: (732) 936-1400

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patent Office on the date shown below.

John C. Pokotylo

Type or print name of person signing certification

  
Signature

July 15, 2009  
Date